



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Agenda

Christopher B. Coleman,
Mayor

May 13, 2011
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair

Jon Commers

First Vice Chair

Barbara A. Wencil

Second Vice Chair

Paula Merrigan

Secretary

Anthony Fernandez

I. Approval of minutes of April 29, 2011

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#11-130-239 Greater Frogtown CDC (783 Charles) – Re-establishment of nonconforming use as a duplex. 783 Charles Avenue between Grotto and Avon. (*Sarah Zorn, 651/266-6570*)

#11-130-099 Greater Frogtown CDC (711 Charles) – Re-establishment of nonconforming use as a duplex. 711 Charles Avenue between St. Albans and Grotto. (*Sarah Zorn, 651/266-6570*)

#11-130-458 St. Paul Credit Union – Conditional Use Permit for drive-through service accessory to credit union, with modification of required setback from residential property. 1664 University Avenue West between Fry and Pierce. (*Sarah Zorn, 651/266-6570*)

#11-130-360 Renaissance Fireworks – Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modifications. 2089 Hudson Road between McKnight and Pedersen. (*Kate Reilly, 651/266-6618*)

#11-129-965 Capitol Lien & Title – Determination of similar use for vertical wind turbines in the B3 general business district. 1010 Dale Street North between Lawson and Hatch. (*Kate Reilly, 651/266-6618*)

V. Comprehensive Planning Committee

Zoning Amendments to St. Paul's Use Definitions and Off-Street Parking Requirements for Establishments Serving Wine, Beer or Liquor - Proposed text amendments for establishments serving wine, beer and liquor. (*Merritt Clapp-Smith, 651-266-6547*)

Planning Director
Donna Drummond

Neighborhood STAR Applications: Comments Regarding Conformance with the Comprehensive Plan and Comments to CIB Committee and Neighborhood STAR Board Regarding Capital Improvement Priorities – Approve resolution to transmit comments. *(Donna Drummond, 651/266-6556)*

(Comprehensive Planning Committee will meet May 10, 2011 on this item. Resolution will be forwarded following the meeting).

VI. Neighborhood Planning Committee

District 9 Residential Zoning Study – Approve resolution initiating zoning study. *(Jessica Rosenfeld, 651/266-6560)*

District 9 Commercial Zoning Study – Approve resolution initiating zoning study. *(Lucy Thompson, 651/266-6578)*

Smith Avenue Revitalization Plan – Recommendation to release the draft for public review and set a public hearing for June 24, 2011. *(Kate Reilly, 651/266-6618)*

VII. Transportation Committee

Transportation Committee Guidelines – Approve resolution adopting new guidelines. *(Emily Goodman, 651/266-6059)*

VIII. Communications Committee

IX. Task Force Reports

X. Old Business

XI. New Business

XII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF MAY 9-13- 2011

Mon (9)

6:00-8:00 p.m. West Midway Task Force
(Penelope Simison, 651/266-6554)

**South St. Anthony
Recreation Center**
890 Cromwell Avenue
(near University & Hwy 280)

Industrial design priorities – discussion
Revised development principles – finalize
Outline of draft plan: central organizing themes
Northwest Quadrant Traffic Study - update

Tues (10)

4:00-5:30 p.m. Comprehensive Planning Committee
(Penelope Simison, 651/266-6554)

Room 1106 – CHA
25 Fourth Street West

Neighborhood STAR Applications: Conformance with the Comprehensive Plan and
Draft comments to the CIB Committee and Neighborhood STAR Board regarding
Capital Improvement Priorities. Review draft comments.
(Donna Drummond, 651/266-6556)

5:00-7:00 p.m. Near East Side Task Force
(Luis Pereira, 651/266-6591)

Everest Site (Hamm's Brewery)
Bldg. 38, Suite 202
713 Minnehaha Avenue East

Weds (11)

Thurs (12)

5:00 p.m. Heritage Preservation Commission

Room 40 City Hall
Lower Level
Enter building on 4th Street
15 W. Kellogg Blvd.

Staff Announcements
April Design Review Statistics
Legislative Hearing Notification

Historic Resource Review
763 Fourth Street East, Dayton's Bluff Historic District, for a historic resource review on a nuisance property declared by the Department of Safety and Inspections, Division of Code Enforcement. The property is a Vacant Building Category 3 and has been issued an order to abate. File #11-014 *(Boulware, 651/266-6715)*

Committee Reports

Education Committee (*Ferguson, Thomas, Trout-Oertel*)

Greater Lowertown Master Plan Task Force (*Ferguson*)

Saint Paul Historic Survey Partnership Project (*Trimble, Manning*)

Public Safety Building Mitigation – The Penfield (*Manning*)

3M Advisory Committee/Workgroups update (*Trimble, Mazanec*)

2011 Heritage Preservation Awards Committee (*Hutter, Laffin, Trout-Oertel*)

Fri (13)

8:30- Planning Commission Meeting
11:00 a.m. (*Donna Drummond, 651/266-6556*)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

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Committee..... Zoning Amendments to St. Paul's Use Definitions and Off-Street Parking Requirements for Establishments Serving Wine, Beer or Liquor - Proposed text amendments for establishments serving wine, beer and liquor. (*Merritt Clapp-Smith, 651-266-6547*)

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Neighborhood Planning

Committee..... District 9 Residential Zoning Study – Approve resolution initiating zoning study. (*Jessica Rosenfeld, 651/266-6560*)

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Transportation Committee..... Transportation Committee Guidelines – Approve resolution adopting new guidelines.
(*Emily Goodman, 651/266-6059*)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes April 29, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 29, 2011 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Halverson, Porter, Reveal, Thao, Wang; and
Messrs. Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver, Spaulding, and Ward.

Commissioners Absent: Mmes. *Merrigan, *Perrus, *Wencl, *Young, and Messrs. *Commers, *Connolly, and *Schertler.

*Excused

Also Present: Patricia James, Martin Schieckel, Merritt Clapp-Smith, and Sonja Butler,
Department of Planning and Economic Development staff.

I. Approval of minutes April 15, 2011.

MOTION: Commissioner Ward moved approval of the minutes of April 15, 2011. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Commissioner Kramer chaired the meeting. He stated that he and Chair Commers attended the full funding grant agreement signing ceremony for the Central Corridor LRT project earlier in the week. He noted that Mayor Coleman specifically acknowledged the work of the planning staff and Donna Drummond the Planning Director. Commissioner Kramer stated that we are very well served by the staff we have.

III. Planning Director's Announcements

Patricia James reported that the Central Corridor Zoning Ordinance was adopted by the City Council on April 20, 2011. There were a few minor changes, but basically the ordinance was the same as what the Planning Commission recommended. Also there are two items coming before the Council on Wednesday, May 4, 2011. The first one is Ordinance 11-32, amending Chapter 64 of the Zoning Code pertaining to signs. The other is Ordinance 11-46 amending Chapter 74 by designating the Jacob Schmidt Brewing Company Historic District as a Saint Paul Heritage Preservation site.

IV. Zoning Committee

STAFF SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

Two items came before the Site Plan Review Committee on Tuesday, April 26, 2011: Riverview Elementary School located at 271 Belvidere, new drive/drop-off lane on vacated Woodbury Street, and Harriet Bishop School located at 540 Warwick, new parking lot and storm water filtration

modifications.

Two items to come before the Site Plan Review Committee on Tuesday, May 3, 2011, are: Chelsea Heights Elementary located at 1557 Huron Street, parking lot mill and overlay, waterproof vault, concrete work, and Cossetta's Italian Market located 211 7th Street West, building addition and parking lot expansion.

NEW BUSINESS

#11-115-463 Teng Scott Vang – Re-establishment of nonconforming use as a duplex. 980 Fuller Avenue, SW corner at Chatsworth. (Kate Reilly, 651/266-6618)

Commissioner Gaius Nelson said the Zoning Committee recommends approving the re-establishment of nonconforming use with conditions, which have to do with making sure the property met the building code requirements because it has been vacant for more than a year.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#11-116-461 TNT Fireworks – Conditional Use Permit for seasonal outdoor sales of consumer fireworks. 1440 University Avenue West, NE corner at Pascal and St. Anthony. (Kate Reilly, 651/266-6618)

Commissioner Nelson said the Zoning Committee approved the conditional use permit with conditions that deal with requirements of the state fire marshal and how outdoor fireworks sales can be established by the National Fire Protection Association regulations.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, May 5, 2011.

V. Comprehensive Planning Committee

Commissioner Spaulding announced that the committee had met earlier in the week and discussed the staff report and recommendations on proposed zoning amendments to the use definitions and off-street parking requirements for establishments that serve alcohol. The next meeting is on Tuesday, May 10, 2011.

VI. Neighborhood Planning Committee

Amendment of Redevelopment Plan for Riverfront Redevelopment Project Area – Approve resolution finding the amendment of the project area in conformance with the Comprehensive Plan. (Martin Schieckel, 651/266-6580)

Commissioner Nelson stated that there is a plan to do an addition and remodeling at Cossetta's on

West 7th near the Xcel Center (the "Project"). They would like to access Tax Increment Financing (TIF) to enable them to do the work. This TIF will come from an Economic Development TIF district, created as part of the "Jobs Bill" legislation. It does not have the same hurdles as other TIF districts, such as having to prove blight. The Project has to provide for at least one additional job, and construction has to start by July 1, 2011, in order to receive funding under the Jobs Bill legislation.

Commissioner Halverson asked why this is not a traditional TIF district and why is it able to qualify for this special State Jobs Bill TIF.

Martin Schieckel, PED staff explained that the Jobs Bill legislation was passed at the State last year. It allowed for the creation of Economic Development TIF Districts that would not normally meet the TIF qualifications, in order to help spur development. In the case of Cossetta's, that project normally would not qualify in terms of blight or other determining factors. But as an example of trying to spur development it does work under the jobs bill. The money still has to be spent only on TIF eligible items.

Commissioner Reveal asked if there are any other areas where this type of TIF district has been created under the Jobs Bill legislation, or is this the exception so far.

Mr. Schieckel said that there are several projects being done under the Jobs Bill legislation. They were part of the legislation that allows for the use of pooled TIF dollars where they otherwise would not have been able to be used. This is the only example that Schieckel is aware of where the City has actually utilized the Jobs Bill provision that allows for the creation of a new TIF district. The TIF dollars that Cossetta's will be using will be generated from the tax increment that the project itself creates.

MOTION: *Commissioner Nelson moved the Neighborhood Planning Committee's recommendation to approve the resolution finding the amendment of the project area in conformance with the Comprehensive Plan. The motion carried 12-1 (Halverson) on a voice vote.*

Commissioner Nelson noted that there was some discussion that it might be worth while for the Planning Commission to get a TIF 101 lesson in order to help understand the implications if the TIF districts and how the Planning Commission fits into that process for creating districts in order to create development. He also announced the items on the agenda for the next Neighborhood Planning Committee's meeting on Wednesday, May 4, 2011.

VII. Ford Plant Update – Informational presentation by Merritt Clapp-Smith, PED staff. (Merritt Clapp-Smith, 651/266-6547)

Merritt Clapp-Smith, PED staff gave a power point presentation with background and updates on the Ford project work that began in 2007 after news of the Ford plant closure, originally planned for Fall 2008. Since then the closure date has been extended twice, and is now slated for late 2011. Starting in 2007, the Planning Commission initiated Phase I planning work with a consultant team and the Ford Site Planning Task Force. Five alternative development scenarios for the site were created to represent the widest range of potential land use redevelopment. Each scenario showed different types of uses and infrastructure layouts.

In the Phase II planning for the site, which began in late 2008, the five scenarios have been used to

analyze and compare different land use and infrastructure options for the site. There has been a fiscal impact analysis, a green manufacturing reuse analysis, an examination of sustainable redevelopment potential, and soon an AUAR (Alternative Urban Areawide Review) will be conducted, in addition to the ongoing environmental assessment of potential contamination at the site being conducted by Ford.

The Fiscal Impact Analysis estimated annual net fiscal impact from each scenario and found that it did not vary widely from one to the other. The estimates also seemed lower than what one might intuitively expect for economic benefits from redevelopment of the property. However, fiscal impacts are very difficult to estimate and the model only accounted for estimated service costs for the site versus potential tax base, so other elements of potential economic benefit like local employment or employee spending in the area were not considered.

A Green Manufacturing Study was also done. Based on this report, the conclusion was that the site has modest potential for manufacturing reuse, but subsidies will likely be needed to secure a new tenant, given the competitiveness of the national market in attracting new manufacturing uses.

Recently, the City has been examining how to bring sustainability to redevelopment of the site. This is a top priority for redevelopment of the site regardless of land use. The Minnesota Pollution Control Agency provided grants to the City of Saint Paul to work with consultants who are professionals in green design to look at sustainable stormwater design for the site, and more broadly at all elements of sustainable redevelopment, including energy, waste systems, and transportation. The two sustainable redevelopment reports will be presented to the Ford Site Planning Task Force on Monday, May 2, 2011. The first of these reports is the Stormwater Feasibility report, by Barr Engineering. The second report is Roadmap to Sustainability for the Ford site, the purpose of the report to set a bold agenda for sustainable redevelopment of the site, by determining categories and thresholds for green design.

Environmental Assessment of the property is still being conducted. Ford is participating in the State of Minnesota's Voluntary Investigation and Clean up Program. Phase I is complete and they are in the middle of Phase II.

Later this year, the AUAR (Alternative Urban Areawide Review) will begin. An AUAR is like an EIS, but is conducted on multiple proposals for the same site. The study, which will take about a year, will be paid for by Ford and the City will assist in managing the consultant team.

The plant is scheduled to close in the third-quarter of this year, but an exact date has not been determined. In 2012, Ford will list the site for sale and select a Master Developer. After the AUAR is complete, it and all of the other analyses conducted will be considered by the Ford Task Force and City staff in helping them determine a land use redevelopment framework, possible rezonings and Comprehensive Plan amendments to recommend to the Planning Commission, which will in turn forward recommendations to the City Council for final adoption. Ms. Clapp-Smith concluded her presentation.

Commissioner Ward asked about some of the timelines that Ford has with closing, moving and listing with the master developer. Is there a period of time during which they will do this, do they anticipate absorption of this parcel to take a certain amount of time, and have they had ongoing conversations with developers. He thinks that they would have to engage several different players prior to the sale and make them aware of the City's studies and interests.

Ms. Clapp-Smith said that the City has been communicating with Ford Land, the Real Estate Division at Ford. She said that it is very experienced in land disposition, with almost a dozen other sites nationally that are moving from production to closure.

Commissioner Ward said that with the importance of this major redevelopment and the potential of it being a national model for brownfield redevelopment, there should be strong community engagement. He asked if there were plans for such engagement beyond other than the Ford Task Force already in place.

Ms. Clapp-Smith said that there was no specific, alternative plan for engaging the community and stakeholders as the site moves towards redevelopment, but acknowledged that this engagement is essential and should be done thoughtfully.

Commissioner Oliver asked what is going to happen with the rail spur.

Ms. Clapp-Smith said that there are no specific plans for the rail spur at this time, which could be reused in a variety of ways, as a rail, road, trail or other option. Decisions about its ultimate reuse will depend largely on the type of site redevelopment that occurs and how the rail line might best fit with and support it. This will be one of the most important project decisions that lie ahead.

Commissioner Spaulding asked for understanding of the Task Force that has come up with the five scenarios for the AUAR; he does not recall whether their intent was to retain them in any further capacity and if not, how will a formal master plan for the site be identified.

Ms. Clapp-Smith said that City staff and policy makers must evaluate potential approaches for determining the site's ultimate infrastructure and zoning, and the role of the community in that public/private dialog. Ford appreciates the existing Task Force as being a pulse on the community and they want to get the master developer to start interacting with the community process as well.

Commissioner Halverson stated that we are losing a plant with good paying jobs and in these plans how many are going to attract similar employment opportunities for people in the neighborhood.

Ms. Clapp-Smith said the Green Manufacturing Report was an attempt to identify the potential of manufacturing reuse at the site. Mayor Coleman has said that bringing back high quality jobs back to the site is one of the priorities is one of the priorities of site redevelopment.

Commissioner Porter suggest that they create a Community Benefit Agreement for this project and asked if there had been any thought about that.

Ms. Clapp-Smith stated that they have not talked about it, but it would be interesting to. She was not certain if Community Benefit Agreements have been used for sites of this size before, as they tend to typically be applied on single projects.

Commissioner Nelson asked for information regarding the Ford meeting on Monday.

Ms. Clapp-Smith said that the Ford Site Planning Task Force will be meeting on Monday, May 2nd at Macalester College, the Olin-Rice Building in Room 250.

VIII. Transportation Committee

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, May 2, 2011.

IX. Communications Committee

Commissioner Thao has no report.

X. Task Force Reports

None.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:45 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

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SITE PLAN REVIEW COMMITTEE
TUESDAY May 10, 2011
2nd Floor Conference Room
375 Jackson Street, Suite 218

| <u>Time</u> | <u>Project Name and Location</u> |
|-------------|--|
| 9:30 | Wheelock Early Education Center parking lot Concrete and asphalt work and security lighting 1521 Edgerton Street |
| 10:00 | Linwood Monroe School Parking Lot Roof, paving and misc improvements 810 Palace |
| 10:20 | Lower Afton Trail Restoration 2125 Lower Afton Road (new address to be assigned) Trail extension |

To Applicants:

You should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff.

The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

Parking

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6th Street at Jackson.

To see a map of additional nearby parking ramps go to
<http://www.ci.stpaul.mn.us/depts/dsi/liep/info/location.html>

If you have any questions, please call Mary Montgomery at 651-266-9088 or mary.montgomery@ci.stpaul.mn.us.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: May 6, 2011
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of May 5, 2011 Zoning Committee Hearing

NEW BUSINESS

| | | <u>Recommendation</u> | |
|----|---|--------------------------|--|
| | | <u>Staff</u> | <u>Committee</u> |
| 1. | Greater Frogtown CDC (783 Charles) (11-130-239) Re-establishment of nonconforming use as a duplex | Approval with conditions | Approval with conditions (6 - 0 - 1) (Commers) |
| | Address: 783 Charles Ave between Grotto and Avon | | |
| | District Comment: District 7 recommended approval | | |
| | Support: 1 person spoke, 1 letter | | |
| | Opposition: 0 people spoke, 0 letters | | |
| | Hearing: Hearing is closed | | |
| | Motion: Approval with conditions | | |
| | | <u>Recommendation</u> | |
| | | <u>Staff</u> | <u>Committee</u> |
| 2. | Greater Frogtown CDC (711 Charles) (11-130-099) Re-establishment of nonconforming use as a duplex | Approval with conditions | Approval with conditions (6 - 0 - 1) (Commers) |
| | Address: 711 Charles Ave between St Albans and Grotto | | |
| | District Comment: District 7 recommended approval | | |
| | Support: 1 person spoke, 1 letter | | |
| | Opposition: 0 people spoke, 0 letters | | |
| | Hearing: Hearing is closed | | |
| | Motion: Approval with conditions | | |

| | | <u>Staff</u> | <u>Recommendation</u> <u>Committee</u> |
|----|--|--------------------------|--|
| 3. | St. Paul Federal Credit Union (1664 University Ave) (11-130-458) Conditional Use Permit for drive-through service accessory to credit union, with modification of required setback from residential property Address: 1664 University Ave W between Fry and Pierce District Comment: District 13 made no recommendation Support: 0 people spoke, 0 letters Opposition: 0 people spoke, 0 letters Hearing: Hearing is closed Motion: Approval with conditions | Approval with conditions | Approval with conditions (7 - 0) |
| | | <u>Staff</u> | <u>Recommendation</u> <u>Committee</u> |
| 4. | Renaissance Fireworks (11-130-360) Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modification of days of operation Address: 2089 Hudson Road between McKnight and Pedersen District Comment: District 1 recommended approval Support: 0 people spoke, 1 letter Opposition: 0 people spoke, 0 letters Hearing: Hearing is closed Motion: Approval with conditions | Approval with conditions | Approval with conditions (6 - 1) (Commers) |
| | | <u>Staff</u> | <u>Recommendation</u> <u>Committee</u> |
| 5. | Capitol Lien & Title/ Tony Magnotta (11-129-965) Determination of similar use for vertical wind turbines in the B3 general business district Address: 1010 Dale St N between Lawson and Hatch District Comment: District 6 Support: 0 people spoke, 1 letter Opposition: 0 people spoke, 0 letters Hearing: Hearing is open Motion: Lay over to May 19, 2011 | Approval with conditions | Laid over (6 - 0) |

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Greater Frogtown CDC, File # 11-130-239, has applied for a re-establishment of nonconforming use as a duplex under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 783 Charles Ave, Parcel Identification Number (PIN) 352923130241, legally described as Syndicate No 2 Addition Subj To St & Alley; The Fol, Part Of E 2 Ft Of Lot 19 Lying Ely Of A Line Beg At The Int Of El Of Lot 19 With Sl Of Alley As Widened Th S 01 Deg 24 Min 57 Sec W 33.19 Ft Th S 0 Deg 34 Min 02 Sec W 91.55 Ft To NI Of Charles St & The; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 5, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property was placed on the Vacant Building list in April of 2010 as a Category 2 and has now been vacant for more than 365 days, requiring the applicant to re-establish the duplex use. The applicant is proposing to rehabilitate the structure as a two-family dwelling and rent it out as part of a scattered site rental project being done by Greater Frogtown CDC (GFCDC) and Project for Pride in Living (PPL).
2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. Although the home was built as a single family residence, it has been used as a duplex for more than 90 years. The purpose of the GFCDC/PPL program is to provide affordable housing to low income individuals and families. If the applicant were required to deconvert the structure to a single family home, they would not only incur significant cost, but their ability to collect a reasonable amount of rent to continually fund the program would be reduced. Rents generated by the proposed two- and four- bedroom units are estimated to be \$6,516 higher per year than those generated by the deconverted six-bedroom unit.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The proposed use as a duplex is equally appropriate to the district as the previous duplex use.

moved by _____
seconded by _____
in favor _____
against _____

- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use will not be detrimental to the existing character of development in the immediate neighborhood. Re-establishing the nonconforming use will put a structure back into service that has been vacant for the last year. The proposed development fits in with the surrounding neighborhood and adjacent single and two-family structures.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. In addition, the Housing Chapter identifies supporting the preservation of publicly-assisted and private affordable housing as a priority (H3.1). The District 7 plan lists the following two objectives that relate to this project: preserve the existing housing stock by rehabilitating units to accommodate future use (H1); and, encourage the development of affordable housing units via new construction and infill.
 - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on April 15, 2011: 19 parcels eligible; 13 parcels required; 14 parcels signed.
3. The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:
- A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This finding is met. The lot size for density purposes is 5,260 square feet and the lot frontage is 40 feet.
 - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This condition is met. The lower and upper units are 960 square feet and 1,300 square feet respectively.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This condition is met. There is currently a one car garage, which the applicant intends to demolish, and a paved parking pad, which will be striped. Once the garage has been removed and the paved area is striped, the space will be able to fit at least three vehicles.
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This condition is met. Other than exterior finishing, all remodeling work will take place inside the structure.
 - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This condition is met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Greater Frogtown CDC for a Re-establishment of nonconforming use as a duplex at 783 Charles Ave is hereby approved subject to the following conditions:

1. The applicant shall adhere to all applicable code requirements and receives a certificate of

occupancy for a two-unit building.

2. All remodeling shall take place on the inside of the structure as stated by the applicant. The dormer shown on plans submitted with the application shall not be constructed without approval by the Planning Commission.
3. The applicant shall provide three approved and improved parking spaces on the site.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Greater Frogtown CDC, File # 11-130-099, has applied for a re-establishment of nonconforming use as a duplex under the provisions of §62.109 of the Saint Paul Legislative Code, on property located at 711 Charles Ave, Parcel Identification Number (PIN) 352923140085, legally described as Syndicate No 2 Addition Lot 23 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 5, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property was placed on the Vacant Building list in October of 2009 as a Category 2 and has been vacant for more than 365 days, requiring the applicant to re-establish the duplex use. The applicant is proposing to rehabilitate the structure as a two-family dwelling and rent it out as part of a scattered site rental project being done by Greater Frogtown CDC (GFCDC) and Project for Pride in Living (PPL).
2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The purpose of the GFCDC/PPL program is to provide affordable housing to low income individuals and families. If the applicant were required to deconvert the structure to a single family home, they would not only incur significant cost, but their ability to collect a reasonable amount of rent to continually fund the program would be reduced. Rents generated by the proposed one- and two- bedroom units are estimated to be \$5,256 higher per year than those generated by the deconverted three-bedroom unit.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The proposed use as a duplex is equally appropriate to the district as the previous duplex use.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use will not be detrimental to the existing character of development in the immediate neighborhood. Re-establishing the nonconforming use will put a structure back into service that has been vacant for the last year and a half. The proposed development fits in with the surrounding neighborhood and adjacent single and two-family structures.

moved by _____
seconded by _____
in favor _____
against _____

- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. In addition, the Housing Chapter identifies supporting the preservation of publicly-assisted and private affordable housing as a priority (H3.1). The District 7 plan lists the following two objectives that relate to this project: preserve the existing housing stock by rehabilitating units to accommodate future use (H11); and, encourage the development of affordable housing units via new construction and infill (H3).
 - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on April 15, 2011: 20 parcels eligible; 14 parcels required; 14 parcels signed.
3. The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:
 - A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This finding is met. The lot size for density purposes is 5,260 square feet and the lot frontage on Charles is 40 feet.
 - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This condition is met. Each unit is 840 square feet.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This condition is met. There are two spaces in the existing garage and one on an adjacent parking pad. GFCDL has not yet determined whether the garage will remain, but will either provide three parking spaces in their current configuration or on a paved parking pad in the same location.
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This condition is met. Other than exterior finishing, all remodeling work will take place inside the structure.
 - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This condition is met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Greater Frogtown CDC for a re-establishment of nonconforming use as a duplex at 711 Charles Ave is hereby approved subject to the following conditions:

1. The applicant shall adhere to all applicable code requirements and receives a certificate of occupancy for a two-unit building.
2. The applicant shall provide three approved and improved parking spaces on the site

city of saint paul
planning commission resolution
file number
date

WHEREAS, St. Paul Federal Credit Union, File # 11-130-458, has applied for a Conditional Use Permit for drive-through service accessory to a credit union, with modification of required setback from residential property under the provisions of §61.501 of the Saint Paul Legislative Code, on property located at 1664 University Ave W, Parcel Identification Number (PIN) 332923410128, legally described as Section 33 Town 29 Range 23 Vac Alley Accruing & Lot 1 Blk 3 Homer H Hoyt Co.'s Add And In Said Sec 33 Tn 29 Rn 23 Ex Ave; The W 251.44 Ft Of The E 955 Ft Of The N 182.82 Ft; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 5, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, Saint Paul Federal Credit Union, is proposing to renovate a portion of the existing building and demolish the southernmost portion. A second story will be built for the company's corporate offices. The finished building will be approximately 12,000 square feet.
2. The site is currently zoned B3 and is located in the Central Corridor Overlay District (§67.700) and is therefore subject to additional regulation. Specifically, drive-through sales and services are regulated as they are in the TN2 district (per §67.706), meaning they require a conditional use permit and are limited to three drive-through lanes for a bank use. Condition (f) in §65.513 lists the additional standard for drive-through uses in TN2. Because Saint Paul Federal Credit Union will be re-using the existing parking lot and most of the existing building no other requirements from §67.700 apply.
3. §65.513 lists six standards and conditions for drive-through sales and services:
 - (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is partly met. The proposed drive-through lane is to be located to the rear of the building and approximately 20 ft. from the southern property line. The adjoining property to the south is currently vacant and is zoned RM2. The applicant is requesting a modification of 40 ft. from the required 60 ft. distance from a residential district. If the Planning Commission grants the modification, this condition will be met.
 - (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* The applicant has requested a modification of this condition. The point of ingress/egress on Fry Street is more than one hundred feet from the intersection of Fry and University.

moved by _____
seconded by _____
in favor _____
against _____

Similarly, access onto Pierce Street (egress only) is more than one hundred feet from the intersection of Pierce and University. Due to the shape of the parcel, the applicant has requested a modification of the required sixty foot distance for the access point on Pierce Street, which is approximately twenty feet from a residential district.

- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition is met. The applicant has stated that the technology used in the audio system, including a volume control located inside the building, will have minimal impact on adjacent residential property. In addition, the devices will face the customer and the building, rather than the residential land to the south.
- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is met. According to the site plan submitted, along the southern property line, the applicant will leave the existing 6 ft. fence and complement the remaining un-fenced portion with a new screening fence. There will be between eight and ten feet of landscaping along the southern property line.
- (e) *Stacking space shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces pre drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.* This condition is met. The site plan indicates that there are at least four stacking spaces for each drive-through lane.

Additional condition in the TN2 traditional neighborhood district:

- (f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The applicant is proposing to construct two drive-through lanes with one point of service each.
4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The applicant has requested a modification of conditions (a) and (b) in section 65.513 due to the site's proximity to residentially zoned property. The size and shape of the parcel greatly restricts the applicant's ability to locate both the business and associated drive-through service lanes. While the intent of the distance requirement is to protect adjacent residential uses from the noise and negative impacts of being located close to a drive-through use, the applicant has outlined the ways that the impact will be minimized, through landscaping, fencing and audio technology. Residential land immediately south of the drive-through lanes is currently vacant and is used as sideyard for the multifamily building located farther south on Pierce; the lot is approximately 6,800 square feet. In addition, the proposed layout emphasizes the pedestrian realm by removing a curb cut on University and reducing the size of the existing curb cut on Pierce.

5. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Snelling station area plan encourages active first floor uses and prominent entrances. The plan also emphasizes the need for private development to contribute to the public realm through landscaping along the public street to enhance the pedestrian orientation and walkability of University Avenue. The Saint Paul Comprehensive Plan designates University Avenue as a mixed use corridor, where a mixture of uses is supported according to objective 1.24 in the Land Use chapter.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The applicant will be closing an existing curb cut on University Avenue. Ingress will be from Fry Street and points of egress will be on both Fry and Pierce Streets. There is a controlled intersection at Fry and University, and customers will only be able to make a right turn onto University from Pierce Street. The proposed layout will minimize congestion on University and will direct most of the use's traffic to the controlled intersection. Based on the applicant's experience at two other locations, the estimated weekly vehicle count for the drive-through use is 233.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed use as a credit union and office building is in keeping with the character of development in the immediate neighborhood.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed commercial use will not impede the development or improvement of surrounding property. If the vacant parcel on Pierce were to be redeveloped, the maximum number of units would be two based on the lot size and the provisions of the code. Any new two-unit development would need to be set back a minimum of 9 ft. from the side property line, increasing the distance from the drive-through use. In addition, the hours of operation as stated in the application are 8 a.m. to 5 p.m. Monday through Friday for the lobby, and 8 a.m. to 6 p.m. Monday through Friday and 9 a.m. to noon on Saturday for the drive-through.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use will conform to all other applicable regulations in the B3 district and the Central Corridor Overlay District.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of for a Conditional Use Permit for drive-through service accessory to credit union, with modifications of 40 ft. and 20 ft. from the required setback from residential property for the drive-through lanes and point of egress respectively, at 1664 University Ave W is hereby approved subject to the following conditions:

1. The applicant shall obtain site plan approval as required by the Department of Safety and Inspections.
2. A screening fence shall be located along the entire southern property line adjacent to the residential property.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Renaissance Fireworks Inc., File # 11-130-360, has applied for a Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modification of days of operation under the provisions of § 65.525 and §61.502 of the Saint Paul Legislative Code, on property located at 2089 Hudson Road, Parcel Identification Number (PIN) 352922440054, legally described as Registered Land Survey 200 Subj To Hwy & Emsts; Part Of Tracts I,k N & Q Lying Sly Of Nly L Of Sewer Esmt Desc In Doc 376288 & Also Ex N 70 Ft Tract P & All Of Tracts A,c,d,e,f,g,j, L,m, & Tract O; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 5, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Renaissance Fireworks proposes to occupy approximately 12 parking spaces in the parking lot formerly used by Michael's at the Sun-Ray shopping center for the purpose of selling consumer fireworks. A 30 ft. x 45 ft. tent will be erected for the sales. The leased area will also include space for a locked storage container to hold the fireworks when the business is closed. The tent is proposed to be erected on June 17th with proposed sales dates starting June 24 and ending July 5, 2011, a period of 12 sales days. Proposed hours of operation are 9 a.m. to 10 p.m. each day.
2. The Zoning Code permits the outdoor sale of consumer fireworks as a conditional use in the B3 community business district subject to the standards and conditions of Section 65.526. Minnesota Statutes Sec. 624.20 Subd. 1(d) in essence requires that outdoor sales of fireworks be permitted in those zoning districts where other outdoor sales are permitted, and the Saint Paul zoning code permits certain other outdoor sales in the B2 community business district. The standards and conditions for outdoor commercial sale of consumer fireworks are as follows:
 - (a) *The standards and conditions of section 65.525 shall apply: Sec. 65.525 states: The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. The planning commission, in determining that the use is harmonious with adjacent uses, shall require the submission of a site plan including a floor plan and all uses within three hundred (300) feet of the boundary of said site superimposed on said site plan. This condition is met. The use is at the end of a row of parking, with no loading areas or sidewalks in the vicinity. There appears to be ample parking available for the permanent retail uses in the parking lot after the temporary loss of these 12 spaces. Reviewing aerial photos of the proposed location show that uses within 300 feet of the proposed sales area are other retail, parking lot, and public street. There is no tenant in the storefront in front of which the fireworks are proposed to be sold.*

moved by _____
seconded by _____
in favor _____
against _____

- (b) *The use shall obtain all necessary permits from the city. Permits for outdoor sale of consumer fireworks shall be valid from June 25 to July 5 each year, during the Independence Day holiday season.* This condition is partly met. The applicant will apply for the required permit from the Saint Paul Fire Marshal. The applicant proposes sales for a longer period of time (June 24 to July 5), while the zoning code limits the sales to the period from June 25 to July 5. The applicant has requested a modification of this requirement.
 - (c) *All items offered for sale shall be kept within the sales structure. The sales structure shall be located at least twenty (20) feet from any other structure.* This condition is met. The applicant's plan shows a sales tent where the items will be kept. The tent is at least 30 feet from the nearest structure, the vacant storefront formerly occupied by Michael's at the far eastern end of the shopping center structure.
 - (d) *The sales structure shall be located at least one hundred (100) feet from the closest property line of any property used or zoned for residential use (excluding mixed commercial-residential uses).* This condition is met. The closest residentially zoned or used property is at least 600 feet away.
 - (e) *An outdoor no-smoking area of fifty (50) feet surrounding the perimeter of the structure shall be maintained on the property. The fifty-foot non-smoking area must be physically marked. No portion of any public sidewalk, boulevard right-of-way, public street, or alley may fall inside the perimeter.* This condition can be met. The buffer area does not include any portion of a public sidewalk, boulevard, street, or alley. The applicant has proposed locations for posting no smoking signs at the perimeter of the tent and storage container area and at the entrances to the drive aisles on either side of the sales area. These proposed signs are less than 50 feet from the sales area. Additional postings in the parking lot at the perimeter of the 50 ft. buffer area would comply with the requirement. The location of all no smoking signs should be placed as directed by the Fire Marshal.
 - (f) *The structure shall not be located within fifty (50) feet of a motor vehicle fuel dispenser.* This condition is met. There are no motor vehicle fuel dispensers in the Sun-Ray shopping center.
 - (g) *When the structure is unoccupied and not open for business, merchandise shall be secured or removed from the site.* This condition is met. The applicant states that the fireworks will be stored in a secure, metal container with tamper proof locks when the business is closed.
3. §61.501 lists five standards that all conditional uses must satisfy:
- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. While the Sun-Ray-Suburban Small Area Plan Summary seeks to "restrict outdoor sales to seasonal items sold by businesses already located on the site; discourage outdoor sales by itinerant businesses," state law directs municipalities to allow the seasonal sales of legal fireworks. Since the comprehensive plan must be consistent with state statutes, the language in this case should be interpreted as discouraging temporary outdoor sales uses by itinerant businesses in general, but excepting seasonal outdoor sales of consumer fireworks.
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The site where the sales will be located should not interfere with ingress and egress from the adjacent public streets.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. This use is temporary and seasonal in nature and will not permanently change the character of the area. Provided the applicant complies with all of the requirements of the National Fire Prevention Association (NFPA) standard as enforced by the Fire Marshal, the use will not

endanger the public health, safety or general welfare.

- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will be temporary and seasonal in nature and will not impede the development and improvement of other properties in the Sun-Ray shopping center for uses permitted in the B2 zoning district.
 - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use is seasonal and located in a temporary structure, and complies with applicable regulations. The sales area within the tent requires 6 off-street parking spaces, which are available in the existing shopping center parking lot.
4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *When strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. The applicant proposes selling consumer fireworks from June 24 to July 5, 2011, rather than the more limited time (June 25 to July 5) set forth in Sec. 65.526. The applicant has asked to have the tent set up from June 17 to July 5. The applicant has demonstrated that he will suffer a financial hardship of a loss of 10 percent of his business if not allowed to begin selling on June 24. He has offered to end sales on July 4 to keep the sales period the same number of days as that provided in the code. In this case, strict application of the condition would unreasonably limit this temporary, seasonal sales business, which would result in exceptional undue hardship to the applicant. Ending sales on July 4 results in sales occurring the same number of days as permitted in the code, so that the modification will not impair the intent and purpose of the condition, is consistent with the health, morals, and general welfare of the community, and is consistent with reasonable enjoyment of the adjacent shopping center property.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Renaissance Fireworks Inc. for a Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modification of days of operation at 2089 Hudson Road is hereby approved subject to the following conditions:

1. A permit from the Fire Marshal is approved and posted as required.
2. The use complies with all local and state regulations pertaining to the sales of consumer fireworks.
3. The consumer fireworks shall be securely stored during non-sales hours.
4. The dates of operation are limited to June 24 to July 4.

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, May 5, 2011 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF APRIL 21, 2011, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 11-130-239 Greater Frogtown CDC (783 Charles)**
Re-establishment of nonconforming use as a duplex
783 Charles Ave, between Grotto and Avon
R4
Sarah Zorn 651-266-6570
- 2 11-130-099 Greater Frogtown CDC (711 Charles)**
Re-establishment of nonconforming use as a duplex
711 Charles Ave, between St Albans and Grotto
R4
Sarah Zorn 651-266-6570
- 3 11-130-458 St. Paul Federal Credit Union (1664 University Ave)**
Conditional Use Permit for drive-through service accessory to credit union, with modification of
required setback from residential property
1664 University Ave W, between Fry and Pierce
B3
Sarah Zorn 651-266-6570
- 4 11-130-360 Renaissance Fireworks**
Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modifications
2089 Hudson Road, between McKnight and Pedersen
B2
Kate Reilly 651-266-6618
- 5 11-129-965 Capitol Lien & Title/ Tony Magnotta**
Determination that vertical wind turbines are uses similar to cell phone antennas
1010 Dale St N, between Lawson and Hatch
B3
Kate Reilly 651-266-6618

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6626
Facsimile: 651-228-3341*

To: Planning Commission

From: Comprehensive Planning Committee

Date: May 5, 2011

Re: **Zoning Amendments to Saint Paul's Use Definitions and Off-Street Parking Requirements for Establishments Serving Wine, Beer or Liquor**

BACKGROUND

On June 16, 2010, the City Council passed a comprehensive set of amendments to Saint Paul's off-street parking requirements. Although many simplifications and reductions were adopted, the approved amendments ultimately held that off-street parking requirements for establishments serving wine, beer or liquor would remain the same as they had been for many years:

- 1 space per 125 square feet for establishments serving wine or beer (and with no Entertainment licenses)
- 1 space per 100 square feet for establishments serving liquor or with Entertainment A or B licenses

Possible reductions to some of the above uses had been proposed, but were not supported in the final vote, due to concerns about nuisance and parking problems created by some of these establishments. The City Council directed staff from the Departments of Planning and Economic Development, and Safety and Inspections, to examine these issues in greater detail and return to City Council with possible new recommendations for licensing and/or zoning of these establishments.

Since June 2010, staff have discussed the issues expressed by City Council members and considered a variety of potential changes. Staff focused on which characteristics differentiate one type of use from another in operations and impact to the surrounding area.

Based on our analysis, we propose modest licensing and code amendments that more clearly differentiate between the variety of establishments providing food, alcohol, and entertainment services.

RATIONALE FOR CHANGES

During Planning Commission and City Council review of off-street parking amendments last year, it was clear that uses providing alcohol or entertainment services were of particular interest and concern with regard to parking. These uses in general have more concentrated hours of peak activity than typical commercial businesses, with most patrons coming during mealtimes or for beverage or entertainment service late at night. This creates strong peaks and valleys of parking demand. The more popular an

establishment is and the more concentrated the patron use times, the more likely it is that available parking may not be adequate to meet all customer demand during peak use.

The recent off-street parking amendments were adopted acknowledging the intent that they provide adequate parking to meet demand for most uses, most of the time, while perhaps not meeting the demand for the most popular uses at the most popular times. To set parking requirements based on peak demand for the most popular uses, as the City had done in the past, created a widespread oversupply of parking and imposed an unnecessary burden on most business owners. In moving to the lower parking standards, it was recognized that for a handful of businesses with strong peak use, there may be some overflow of parking onto adjacent streets at the peak times; a consequence that neighbors and the City could accept in exchange for parking standards that better met the demand for most businesses.

Parking overflow onto adjacent streets is typically not a nuisance other than creating a more competitive parking situation. However, overflow of patrons onto neighborhood streets can create a problem if the overflow occurs late at night or involves patrons who may be loud or behave inappropriately, which more commonly occurs after people have been drinking. The combination of late night operations and alcohol service has been demonstrated to increase the chance of nuisance behavior, as shown in the attached table of complaints leading to "Adverse Action" by the City Council. Patrons leaving establishments late at night when many neighbors are asleep and things are relatively quiet in the city, are more likely to be noticed coming and going to parked cars, particularly if the patron or passengers have been drinking and are engaged in loud or rowdy behavior. For this reason, the imposition of overflow parking onto streets resulting from inadequate parking is a greater burden on neighbors late at night and when the patrons are engaged in drinking, than is the case during the day when most people are awake, the city is louder, and patrons are less likely to have been drinking.

Establishments with late night alcohol service and entertainment are also more likely to attract a greater concentration of patrons, with people standing and/or dancing, in addition to sitting at tables. The crowding phenomenon can be observed late at night at any of the popular alcohol service establishments around the city, particularly if the business is offering "Late Night Drink Specials" or other discounts to patrons. This concentration of people is higher than establishments focused on food service, where patrons are seated. Some places may focus on food service during the day and then shift to predominantly alcohol service or entertainment later at night, with a likely increase in patron volume as a result if the place is popular. Therefore, it is expected that parking demand will be higher at popular late night places serving alcohol or providing entertainment than it will be at similarly sized establishments focused on food service.

PROPOSED AMENDMENTS

City staff proposed code and licensing amendments meant to better differentiate between establishments serving alcohol, the impacts they may create, and parking needs. The main change is the addition of a new use definition, "bar" that differentiates between establishments based on licenses and hours of operation. "Bars" would be defined as establishments serving wine, beer, or liquor and open after midnight, with or without Class A or B entertainment. "Restaurants" would be defined as establishments serving food, with or without wine, beer, or liquor service that close by midnight. These places would not be open late at night when more concentrated patron activity focused on alcohol service or entertainment occurs. If the new use definitions are adopted, hours of operation for each establishment would be recorded on City licenses and used for definition purposes.

Accompanying the new use definitions are suggested changes to off-street parking requirements and zoning district tables showing where the uses would be permitted. (See attached) It is recommended that the off-street parking requirement for establishments defined as “restaurants” be applied at the current rate for eating establishments without wine, beer and liquor service – one (1) space per 400 square feet of building gross floor area – with the rationale being that patron volume and parking demand does not change based on the type of beverage consumed by diners.

The parking requirement for “Bars” is recommended to be higher than for restaurants, due to the potential for increased patron volumes and parking demand, with a focus on late night alcohol service and related nuisance concerns from overflow parking in the neighborhood. **The following table provides a range of parking requirement options for consideration.**

| Example Businesses that would be defined as “Bars” | Ward | Estimated Building Gross Square Feet (sq ft) | Minimum spaces at CURRENT Required = 1/100 | Minimum spaces if required bar parking = 1/125 | Minimum spaces if required bar parking = 1/150 | Minimum spaces if required bar parking = 1/200 |
|--|------|--|--|--|--|--|
| Muddy Pig 162 N Dale St | 1 | 1750 | 18 | 14 | 12 | 9 |
| Arcade Bar 932 Arcade St | 6 | 2500 | 25 | 20 | 17 | 13 |
| The Cherry Pit 735 White Bear Ave N | 7 | 2800 | 28 | 22 | 19 | 14 |
| Groveland Tap 1834 St. Clair Ave | 3 | 3000 | 30 | 24 | 20 | 15 |
| Lonetti's Lounge 1091 Rice St | 5 | 3200 | 32 | 26 | 21 | 16 |
| Gabe's Roadhouse 991 Lexington Ave | 4 | 7400 | 74 | 59 | 49 | 37 |
| The Lexington 1096 Grand Ave | 2 | 8000 | 80 | 64 | 53 | 40 |

RECOMMENDATION

Since this set of amendments follows up on a previous zoning study at the request of the City Council, the Planning Commission does not need to hold a public hearing on the amendments. City Council will hold a public hearing when the matter comes before them, which satisfies the public hearing requirements for a zoning amendment. The Comprehensive Planning Committee recommends not holding a Planning Commission public hearing on the matter and instead voting to recommend the proposed, attached amendments to the City Council, with a determination made on required level of parking for bars.

Staff Contact: Merritt Clapp-Smith 651-266-6547 / merritt.clapp-smith@ci.stpaul.mn.us

Definitions and Requirements for Bars and Restaurants

Sec. 63.206. Rules for computing required parking.

- (c) In addition to the requirement of section 63.204, there shall be provided off-street parking spaces for all bars or premises licensed for entertainment class C on-sale intoxicating liquor (excluding restaurants licensed for wine, strong beer, or nonintoxicating malt liquor) or entertainment as provided herein:
- (1) Issuance of a license to an existing structure not previously licensed for a bar or entertainment class C during the twenty-four (24) months preceding the application, off-street parking pursuant to section 63.207.
 - (2) Expansion of a bar or premises licensed for entertainment class C, licensed structure with an on-sale intoxicating liquor license off-street parking pursuant to section 63.207 at the same rate as transfer or new issuance to an existing structure not previously licensed, plus twenty-five (25) percent of any parking shortfall for the existing building licensed area. "Parking shortfall" shall mean the difference between required parking pursuant to section 63.207 for the existing area as currently licensed structure minus the number of parking spaces actually provided for that area structure. The percentage of the parking shortfall to be provided shall be increased to forty (40) percent if there is a bar or premises licensed for entertainment class C within six hundred fifty (650) feet of the existing establishment.
 - (3) ~~Expansion of a licensed structure with an on-sale intoxicating liquor license, or an upgrade in an entertainment license, when located within six hundred fifty (650) feet of another existing establishment with an on-sale intoxicating liquor or entertainment license shall provide an additional fifteen (15) percent of any parking shortfall.~~

[Text changes above use proposed bar use definition to replace former descriptions of these establishments based on licenses. Text in subsection (3) is moved to the end of subsection (2) and cleaned up for clarity.]

Sec. 63.206(d). Shared Parking (table)

Table 63.206(d). Shared Parking

| General Land Use Classification | Weekdays | | | Weekends | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| | 2 am – 7 am | 7 am – 6 pm | 6 pm – 2 am | 2 am – 7 am | 7 am – 6 pm | 6 pm – 2 am |
| Office | 5% | 100% | 5% | 0% | 10% | 0% |
| Retail sales and services | 0% | 90% | 80% | 0% | 100% | 60% |
| Restaurant (not 24 hour) / Bar | 10% | 70% | 100% | 20% | 70% | 100% |
| Residential | 100% | 60% | 100% | 100% | 75% | 90% |
| Theater | 0% | 40% | 90% | 0% | 80% | 100% |
| Hotel | | | | | | |
| Guest rooms | 100% | 55% | 100% | 100% | 55% | 100% |
| Restaurant /lounge | 40% | 60% | 100% | 50% | 45% | 100% |
| Conference rooms | 0% | 100% | 100% | 0% | 100% | 100% |
| Religious institution | 0% | 25% | 50% | 0% | 100% | 50% |

Definitions and Requirements for Bars and Restaurants

| | | | | | | |
|---------------------------|----|------|-----|----|------|------|
| Reception or meeting hall | 0% | 70% | 90% | 0% | 70% | 100% |
| Museum | 0% | 100% | 80% | 0% | 100% | 80% |
| School, grades K—12 | 0% | 100% | 25% | 0% | 30% | 10% |

[Text changes above add the term “bar” to the table and remove the term “not 24 hour” since it is not relevant to the shared parking determination.]

* * *

Table 63.207. Minimum Required Off-Street Parking By Use

| Food and Beverages | |
|---|--|
| Bar | 1 space per XXX sq. ft. GFA |
| Brew on premises store | 1 space per 900 sq. ft. GFA |
| Catering | 1 space per 900 sq. ft. GFA |
| Establishment with entertainment license class C | 1 space per 75 sq. ft. GFA and as required in section 63.206(c) |
| Establishment with on-sale wine, strong beer, or nonintoxicating malt liquor | 1 space per 125 sq. ft. GFA |
| Establishment with on-sale intoxicating liquor or entertainment license class A or B | 1 space per 100 sq. ft. GFA and as required in section 62.103(f)(3) |
| Restaurant, coffee shop, tea house, deli | 1 space per 400 sq. ft. GFA |

[The above changes add the newly defined use “bar,” which covers establishments that serve alcoholic beverages between midnight and 2:00 a.m.. The use “restaurant” covers all eating establishments with wine, beer and liquor that close by midnight, or establishments with no wine, beer or liquor that close at any hour. All restaurants would be required to provide parking at 1 space per 400 square feet, consistent with the requirement adopted by City Council in 2010 for eating establishments without liquor. The rationale is that the occupancy and related parking demands of restaurants tends to be similar whether or not people have alcoholic beverages with their meal. The intensity in occupancy is most likely to grow in bars, which are open after midnight, when the focus shifts to beverage service and more customers congregate.]

| Retail sales and services | |
|-----------------------------------|--|
| (...uses above this in the table) | |
| Multiuse retail center | 1 space per 400 sq. ft. GFA up to 30,000 sq ft GFA, plus 1 space for each additional 800 sq ft GFA over 30,000 sq. ft. GFA. <u>Required parking for uses defined as a “Bar” or establishment with entertainment license class C shall be calculated independently according to Table 63.207.</u> |
| (...uses below this in the table) | |

[The above change is made to be consistent with the recently amended term “multiuse center”. However, since the new term expands the uses applicable to a multi-use center beyond just “retail” uses, it is felt that two of the new applicable uses “bar” and “license Class C”, should continue to be

Definitions and Requirements for Bars and Restaurants

calculated according to their unique parking requirements, since are so much higher than the 1 space per 400 sq ft standard which applies to or approximates most of the other applicable uses.]

* * *

Sec. 65.610. Bar.

An establishment that serves wine, beer, or intoxicating liquor for consumption on the premises any time between midnight and 2:00 a.m.

Standards and conditions in traditional neighborhood and B2 community business districts:

In traditional neighborhood and B2 community business districts, a conditional use permit is required for a bar of more than five thousand (5,000) square feet in floor area to ensure size and design compatibility with the particular location.

[The definition of “bar” differentiates establishments with alcohol service that are open past midnight. Due to the hours of operation, a “bar” will tend to focus on alcohol service over food in the late hours and attract more customers who may congregate standing, in addition to seated, thereby increasing the occupancy of the establishment. The standard for a Conditional Use Permit (CUP) is modeled on that for *restaurant*, but the lower threshold of 5,000 sq. ft. is used instead of 15,000 sq ft, since a bar is anticipated to have higher late night occupancy, increasing its visibility and potential impacts in the area, which could be addressed by a CUP. A CUP would also be required in B2 districts, which are commonly used in locations along neighborhood commercial streets similar to traditional neighborhood districts, and the potential impacts on the area are the same whether the property is zoned traditional neighborhood or B2.]

Sec. 65.6110. Brew on premises store.

[No change in text.]

Sec. 65.6121. Coffee kiosk.

[No change in text.]

Sec. 65.6132. Coffee shop, tea house.

An establishment engaged principally in the sale of coffee, tea, and other non-alcoholic ~~alcoholic~~ beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items as allowed under a restaurant C licensee.

Standards and conditions in the T1 traditional neighborhood and B1 business districts:

A conditional use permit is required for a coffee shop or tea house of more than 800 square feet in gross-floor area or for an accessory cabaret. ~~Drive through uses (primary and accessory) are prohibited.~~

Standards and conditions in T2-T4 traditional neighborhood districts:

See section 65.6143, restaurant.

[Permitted uses are covered by the use tables in Chapter 66; the information should not be duplicated here.]

Definitions and Requirements for Bars and Restaurants

Sec. 65.6143. Restaurant.

~~An public establishment eating place engaged in the preparation and sale which serves a substantial portion of its food for consumption at tables or counters located on the premises. This term shall include, but not be limited to, an establishment known as a café, smorgasbord, diner or similar business. Any facilities for carry-out shall be clearly subordinate to the principal use of providing foods for consumption on the premises.~~

[Proposed text changes to the definition are for clarity and consistency with other definitions.]

Sec. 65.6154. Restaurant, carry-out, deli.

...

Standards and conditions:

See section 61.6143, restaurant.

Sec. 65.6165. Restaurant, fast-food.

[No change in text.]

Sec. 65.6176. Restaurant, outdoor.

[No change in text.]

* * *

Table 66.321. Principal Uses in Traditional Neighborhood Districts

| Use | T1 | T2 | T3 | T4 | Development Standards |
|----------------------------------|-----|------------|------------|------------|-----------------------|
| <i>Food and Beverages</i> | | | | | |
| <u>Bar</u> | | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | <u>✓</u> |
| Brew on premises store | | P | P | P | ✓ |
| Catering | | P | P | P | |
| Coffee shop, tea house | P/C | P/C | P/C | P/C | ✓ |
| Restaurant | | P/C | P/C | P/C | ✓ |
| Restaurant, carry out, deli | | P/C | P/C | P/C | ✓ |
| Restaurant, fast food | | P/C | P/C | P/C | ✓ |
| Restaurant, outdoor | | P | P | P/C | ✓ |

Definitions and Requirements for Bars and Restaurants

Table 66.421. Principal Uses in Business Districts

| Use | OS | B1 | BC | B2 | B3 | B4 | B5 | Development Standards |
|----------------------------------|----|-----|----|------------|----------|----------|----------|-----------------------|
| <i>Food and Beverages</i> | | | | | | | | |
| <u>Bar</u> | | | | <u>P/C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>✓</u> |
| Brew on premises store | | | | P | P | P | P | |
| Catering | | | | P | P | P | P | |
| Coffee kiosk | | | | P | P | P | P | |
| Coffee shop, tea house | | P/C | | P | P | P | P | ✓ |
| Restaurant | | | | P | P | P | P | |
| Restaurant, carry-out, deli | | P | | P | P | P | P | |
| Restaurant, fast-food | | | | P/C | P/C | P | P | ✓ |
| Restaurant, outdoor | | | | P | P | P | P | ✓ |

Table 66.521. Principal Uses in Industrial Districts

| Use | IR | I1 | I2 | I3 | Development Standards |
|----------------------------------|----------|----------|----------|----|-----------------------|
| <i>Food and Beverages</i> | | | | | |
| <u>Bar</u> | <u>P</u> | <u>P</u> | <u>P</u> | | |
| Brew on premises store | P | P | P | | |
| Catering | P | P | P | | |
| Coffee kiosk | P | P | P | | |
| Coffee shop, tea house | P | P | P | | |
| Restaurant | P | P | P | | |
| Restaurant, carry-out-deli | P | P | P | | |
| Restaurant, fast food | P/C | P | P | | ✓ |
| Restaurant, outdoor | P | P | P | | ✓ |

2009-2010 ADVERSE ACTIONS on liquor license establishments

| YEAR | LICENSEE (all names are fictitious, but represent real licensees) | ISSUE | TIME | 2AM closing |
|------|---|--|------------------------|----------------------|
| 2009 | Mars | Violation to license conditions #1 & #11 (maintaining guest book and wandering) | 8/23/2009 @ 11:00 p.m. | No |
| | Mars | Violation to license conditions #1 & #11 (maintaining guest book and wandering) | 5/15/2009 @ 9:30 p.m. | No |
| | Jupiter | Sold alcohol to an obviously intoxicated person (reported by MN Department of Public Safety) | 5/21/09 – no time | Yes – exp. 1/30/2011 |
| | Uranus | Allowing patrons to drink w/o appropriate license | 7/23/2009 @ 12:24 a.m. | Yes – exp. 7/22/2011 |
| | Pluto | Sold alcohol to an obviously intoxicated person | 10/17/2009 @ 4:30 p.m. | No |
| | Saturn | Violation of license condition #4 (security) | 5/15/2009 @ 9:41 p.m. | Revoked 10-12-2010 |
| | | Violation of license condition #1 (wandering) | | |
| | | Violation of license condition #9 (last call) | 5/18/2009 – no time | |
| | | Violation of license condition #6 (videotape) | | |
| | | Violation of license condition #4 (security) | 6/12/2009 @ 10:00 p.m. | |
| | | Violation of license condition #1 (security) | | |
| | | Violation of license condition #3 (security) | | |
| | | Violation of license condition #10 (videotape) | | |
| | | Violation of license condition #4 (security) | 6/12/2009 @ 11:30 p.m. | |
| | | Violation of license condition #3 & 4 (security) | | |
| | | Violation of license condition #5 (security) | 6/14/2009 @ 1:20 a.m. | |
| | | Violation of license condition #13 (last call) | 6/14/2009 @ 1:50 a.m. | |
| | Saturn | Violation of license condition #2 (security) | 7/5/2009 @ 1:16 am | Revoked 10/12/2010 |
| | | Violation of license condition #3 (security) | | |
| | | Violation of license condition #13 (last call) | 7/5/2009 @ 1:26 a.m. | |
| | | Violation of license condition #4 (security) | | |
| | Saturn | Violation of license condition #4 (security) | 12/31/2009 - no time | Revoked |
| | Ceres | Violation of SPLC 409.06 (o) | | |
| | | Violation of license condition #3 (security) | 9/3/2009 @ 11:00 p.m. | No |
| | | Violation of license condition #7 (video) | | |

2009-2010 ADVERSE ACTIONS on liquor license establishments

| YEAR | LICENSEE | ISSUE | TIME | 2 AM ?? |
|------|----------|--|---|--------------------------|
| 2009 | Eris | After hours display and consumption and providing entertainment w/o the appropriate license | 3/8/2009 @ 3:40 a.m. | No |
| | Puck | Purchased alcohol from another retailer for sale. | 10/22/2009 – no time | Revoked 3/10/2010 |
| | Ophelia | Failure to maintain order in establishment | 5/22/2009 @ 1:30 a.m. | Yes – exp. 1/31/2011 |
| YEAR | LICENSEE | ISSUE | Time of incident | 2AM??? |
| 2010 | | | | |
| | Oberon | Used 2 nd floor w/o building inspector approval | 9/3/2010 @ 3:00 p.m. | Yes – exp.6/3/2011 |
| | Titiana | Violation of license condition #1 (providing entertainment) | 10/10/2009 @ 1:47 a.m. | Yes – exp. 1/1/2011 |
| | Ariel | Violation of license condition #11 (allowing under 21 into establishment) Violation of license condition #1 (last call) Violation of license condition #7 (no ID) Violation of license condition #2 (video) | 2/15/2009 @ 12:30 a.m. 2/19/2010 @ 1:45 a.m. 5/16/2010 @ 1:31 a.m. 8/14/2010 @ 1:44 a.m. 11/24/2010 | No |
| | Miranda | Purchased alcohol from another retailer for sale | 8/6/2010 – no time | Yes – exp. 3/26/2011 |
| | Ganymede | Failure to maintain order in establishment | 11/11/2009 @ 11:00 p.m. | No |
| | Venus | Violation of license condition # 2 (video) | 1/30/2010 @ 1:45 a.m. | Yes – exp. 10/13/2011 |
| | Neptune | Violation of license condition #1 (after hours) Violation of license condition #2 (video) Violation of license condition #5 loitering and wandering) | 6/28/2010 @ 2:18 a.m. 8/28/2010 @ 7:45 p.m. 9/14/2010 @ 10:00 p.m. | Yes – exp. 7/20/2011 |
| | Saturn | Violation of license condition #1 (security) Violation of license condition #3 (security & wandering) | 3/20/2010 @ 9:55 p.m. | Revoked 10-12-2010 |
| | | | TOTAL | 6 No / 10 Yes |



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

DATE: May 4, 2011

TO: Comprehensive Planning Committee

FROM: Donna Drummond, Planning Staff

RE: **Neighborhood STAR Applications: Comments Regarding Conformance with the Comprehensive Plan**

Draft Comments to CIB Committee and Neighborhood STAR Board regarding Capital Improvement Priorities

Introduction

On April 1, 2011 the Planning Commission approved a set of comments to be sent to the CIB Committee regarding Comprehensive Plan conformance for current CIB proposals under review. The Planning Commission is being asked to do the same for Neighborhood STAR (Sales Tax Revitalization) Program applications that are currently under review by the Neighborhood STAR Board. During the discussion of the CIB proposal comments, several commissioners expressed an interest in providing more general comments regarding funding priorities as guided by the Comprehensive Plan. Draft comments regarding STAR applications and overall capital improvement priorities are attached for your consideration.

Neighborhood STAR Applications

Twenty-two (22) applications were submitted, requesting over \$2.9 million in funding. The average dollar request is \$133,369. Over \$3.9 million in potential matching funds have been identified.

- 13 applications requesting grant-only funds
- 12 applications for commercial improvement projects
- 3 applications for public park or playground enhancements
- 3 applications for housing or mixed-use development projects
- 4 applications for loan or grant programs for commercial or residential improvements

A spreadsheet of draft comments evaluating these applications as to Comprehensive Plan conformance is attached for your review. If you'd like more information, copies of each application will be posted on-line under the May 10th meeting on the Comprehensive Planning Committee page – www.stpaul.gov/ped, click on Planning, then Comprehensive Planning Committee.

Capital Improvement Priorities

Attached are general comments regarding capital improvement priorities for the Committee's consideration. If recommended by the Committee and approved by the Planning Commission, these comments would be sent to the CIB Committee and Neighborhood STAR Board for their consideration. The CIB Committee is scheduled to finalize its recommendations on June 13th and the Neighborhood STAR Board will finalize its recommendations on June 6th. As you may know, the CIB Committee relies on recommendations from three task forces. These task forces have completed their recommendations, which can be found at <http://www.stpaul.gov/index.aspx?NID=217>

Please feel free to contact me with questions prior to the Committee meeting on May 10th (651-266-6556 or donna.drummond@ci.stpaul.mn.us).

Draft Planning Commission Comments to CIB Committee and Neighborhood STAR Board regarding Capital Improvement Priorities

(to be put on Planning Commission letterhead and signed by Chair Commers)

The Planning Commission has provided comments regarding Saint Paul Comprehensive Plan conformance for the applications you are currently considering for either the Neighborhood STAR program or Capital Improvement Budget process. The Comprehensive Plan identifies tools for its implementation. Among the important financial tools specifically identified are the Capital Improvement Budget and the STAR program. We would like to take this opportunity to highlight for you certain high priorities for action that are identified in the Implementation section of the Comprehensive Plan (pp. 1-3, Implementation, *Saint Paul Comprehensive Plan*, adopted Feb. 24, 2010 – <http://stpaul.gov/index.aspx?NID=3427>).

High Priorities for Action

Certain imperatives stand out for implementation of the *Saint Paul Comprehensive Plan*, high priorities for action without which Saint Paul's potential cannot be realized. These high priorities are also important for the city's ability to be an effective collaborator in the region.

Provide housing choices for everyone.

As Saint Paul's demographics change, particularly as the numbers of couples without children, empty nesters, and large immigrant families increase, it is critical to have a diverse housing stock in mixed income communities. Strengthen neighborhoods hurt by mortgage foreclosures. Foreclosures and the vacant houses they produce make families more vulnerable and jeopardize the future of affected communities.

Capitalize on the potential of the Central Corridor.

The construction of light rail transit in the Central Corridor provides opportunities for the city to realize its potential as a complex, sophisticated urban center with denser housing and employment centers. Lay the foundation for more jobs that pay a living wage. The City and its development partners must provide for land, cleaned of contamination from decades ago and with the infrastructure needed for the information-based economy, so that businesses are able to establish themselves and grow and provide jobs with a living wage.

Maintain public infrastructure and facilities.

Saint Paul has a sizeable investment in facilities and infrastructure — streets, utilities, parks and recreation centers, and libraries are examples. For the city to remain vibrant and be a vigorous urban center, these must be well maintained to extend their useful life.

Secure an expanded transit system.

Saint Paul needs a transit system that provides more frequent service and more routes, particularly through parts of the city that are not well served. There are greater numbers of transit dependent people living in the city and the cost of energy is making vehicular travel too expensive.

Pursue projects and programs to reduce the carbon footprint.

Although reducing the carbon footprint involves global and national strategies, the City can contribute to the effort by managing development activities so that buildings are constructed to reduce the amount of energy used during their operation. Moreover, the City can encourage residents and employees to reduce their use of vehicles and to rely more on transit in order to reduce the emissions that contribute to global warming.

Provide opportunities that enrich residents' lives.

Schools, parks and recreation centers, and libraries all create avenues for people of all age groups to pursue interests and desires for learning, for play, and for participation in the community.

Protect cultural and historic resources.

Cultural and historic resources enhance the lives of Saint Paul residents and visitors by defining the character of the city and creating a strong link to its rich past. Protecting these resources through the use

of historic preservation tools will minimize such threats as lack of maintenance, development pressures, and challenges to finding appropriate uses for contemporary times.

Protect natural resources.

The Mississippi River runs through Saint Paul and is the most obvious natural resource in the city. There are also lakes (i.e., Como, Phalen, and Beaver) as well as dozens of parks, thousands of boulevard trees, and miles of trails. All contribute to the ecology of the city and to enriching the lives of residents.

Thank you for the opportunity to provide these comments. Please feel free to contact Donna Drummond, Director of Planning in the Department of Planning and Economic Development, if you have questions or need more information about the City's Comprehensive Plan (651-266-6556, donna.drummond@ci.stpaul.mn.us).

| | | | | | | | | | | | |
|--------|---|----|--|---------------------|--|----------|---------|--------------|---------|-------------------------------|--|
| 11-107 | 1 | 8 | Arnold P. Williams Community Outreach Restoration Project-Finish renovating a 10,000 s.f. building to be used as event rental space for public/community meetings, training/development opportunities and community gatherings | 995 Selby Ave. | River of Life Ministries & Sierra Young Family Institute | \$50,000 | 93250 | 2%, 10 years | 186,500 | Generally supports the goals. | The proposed project will rehabilitate an existing community center which currently serves a variety of functions. While the community center is not located in a designated Neighborhood Center, the project is generally consistent with the objectives of Land Use Policy 1.17, which is to promote places and activities that serve as a community focus and emphasize the unique identity of a Neighborhood Center. |
| 11-108 | 2 | 5 | Dog Days Building - Exterior facelift including new awnings, windows, railings, doors, stone facade, roof, soil correction and parking lot. | 350 University Ave. | ABH Acquisition, LLC | 93,250 | 93250 | 2%, 10 years | 186,500 | Generally supports the goals. | Land Use chapter supports enhancing retail commercial areas (Policy 1.45), including addition of architectural elements that add interest at the street level. |
| 11-109 | 2 | 17 | Carla Palumbo-Interior leasehold improvements to a 1593 s.f. of vacant space to house a new neighborhood pizzeria in downtown | 346 Soley St. | Carla Palumbo S Corp. | 38,395 | 49,928 | 1%, 10 years | 161,343 | Generally supports the goals. | Supports goals of the Downtown Development Strategy of supporting opportunities for additional neighborhood-serving retail and services in close proximity to concentrations of housing (4.17) and encouraging a variety of retail uses with a range of price points (5.14). The Downtown Station Area Plan also supports active, at-grade, neighborhood-oriented retail uses near LRT stations (p. 56; Key Strategy #4; p. 40; Key Strategy #2 (9)). |
| 11-110 | 1 | 8 | Ober Community Center Renovation Project 2011- This multi-use community facility needs 12 new windows in the childcare center, a new asphalt parking lot, exterior lighting and security cameras. | 376 Western Ave. | Union Gospel Mission of St. Paul | 49,000 | | | 89,845 | Generally supports the goals. | While not a public space, the community center functions as a public space and thus the Comprehensive Plan "Parks and Recreation Strategy 2.2.1. Ensure attractive, functional, and engaging four-season public spaces." applies. |
| 11-111 | 2 | 3 | R & M 222 Starkey Street- Purchase a vacant warehouse, correct soil contamination, and remodel 5,600 s.f. of office space and 15,500 s.f. of single house space. | 222 Starkey St. | R & M Holdings, Inc. | 100,000 | 125,000 | 4%, 20 years | 700,000 | Generally supports the goals. | Provides for Land Use Strategy 2.2. Promote the redevelopment of outmoded and non-productive sites and buildings so they can sustain existing industries and attract emerging industries to Saint Paul, focus on issues that include, but are not limited to energy efficiency, water conservation, and broadband capability. Also involved and pollute reuse will become viable office space. This project will do what's desired in Land Use Strategy 2.2.6. Seek funding for brownfields remediation from the tax base revitalization programs prepared by the State Department of Employment and Economic Development (DEED) and the Metropolitan Council. This project will fulfill Land Use Strategy 2.3.1 Implement the City's Economic Development Strategy to focus resources effectively in a coordinated series of initiatives and programs intended to secure and retain industries and jobs here and the jobs both create. By securing a new office tenant. |
| 11-112 | 5 | 6 | Rainbow Child Development Center-Remodel a vacant auto sales building into a 3,018 s.f., child care center employing 9 full-time workers and creating 42 childcare openings. | 605 Como Ave. | Rainbow Child Development Center | 63,050 | 94,575 | 2%, 20 years | 167,325 | Specifically addresses goals. | The Land Use chapter (Policy 1.17) supports places and activities that serve as a community focus and support the residential population and vibrant business districts in Neighborhood Centers. This site is in a Neighborhood Center. Land Use chapter (Policy 1.55) specifically addressed collaboration when public or private schools construct new facilities or do major remodeling. |

| | | | | | | | | | | | |
|--------|-------|--------|---|-------------------|---|---------|---------|----------------------------------|---------|-------------------------------|---|
| 11-113 | 6 | 2 | Montessori Training Center of Minnesota—The 13,000 s.f., roof needs to be replaced along with the addition of classroom modular units to accommodate the new charter school opening this fall. | 1611 Ames Avenue | Montessori Training Center of Minnesota | 176,000 | 77,000 | 0% 10 years with 3 year deferral | 253,000 | Specifically addresses goals. | Land Use chapter (Policy 4.155) specifically addressed collaboration when public or private schools construct new facilities or do major remodeling. |
| 11-114 | 6 | 5 | Golden Star Rising—1,200 s.f., buildout to include more retail space, a walk-in cooler and food preparation area. | 1261 Payne Avenue | Golden Star Market | 25,000 | 25,000 | 3.5% 7 years | 50,000 | Generally supports the goals. | The Land Use chapter supports maintaining and enhancing commercial areas (Policy 1.45); includes access to range of goods and services. The East Consolidated Plan generally supports pedestrian oriented commercial serving the neighborhood but does not specifically address funds for business expansion. |
| 11-115 | 6 | 5 | Face to Face Health and Counseling—Repair the parking lot and replace the loading dock and steps to the rear of the building. | 1145 Arcade St. | Face to Face Health and Counseling Inc. | 17,000 | | | 17,000 | Generally supports the goals. | The Land Use chapter supports maintaining commercial areas that make them "vibrant and attractive" (Policy 1.445). This generally includes measures to make sites in commercial areas safe. |
| 11-116 | 2 | 3 | West Side Building Incentive Program—A program focusing on Smith Ave. and District del Sol providing a maximum forgivable loan of \$25,000 per project for 20 storefront improvements and/or 4 business expansions. | PROGRAM | Riverview Economic Development Assn. | 100,000 | | | 100,000 | Specifically addresses goals. | Riverview Commercial Corridor Revitalization Program (2001). Section 6.2 references small business assistance as well as financial and development planning for identified opportunities for development. Section 4.2 references design guidelines and recommendations for traditional storefronts which have been implemented since inception. Smart Growth Twin Cities: Harriet Island/District del Sol Opportunity Site (2002).—References mixed-use infill development along Cesar Chavez Street including rehab where appropriate. (2007) Saint Paul on the Mississippi Development Framework—Goal 1 Obj2: emerging villages of Concord-Robert Street should be enhanced. (2010) Saint Paul Comprehensive Plan—Section 1.1 District del Sol referenced as existing Neighborhood Center, Section 1.14 Plan growth in existing neighborhood centers. Smith Avenue Small Area Plan (Draft 2011) CVA.2 Connect business owners with existing programs and partners that offer building and storefront improvements, loan programs, and |
| 11-117 | 1,4,5 | 6,7,11 | Sparc Job Creation and Retention Fund—A program providing grants and 5% loan to an estimated 12 commercial property owners making fixed improvements that will create or retain jobs. | PROGRAM | Sparc | 111,000 | 111,000 | | 111,000 | Specifically addresses goals. | This program is supported by the City's Comprehensive Plan, which has a goal of preservation of businesses and jobs in the "Economic Development Needs" section of the Comprehensive Plan. It states as goals: "the rehabilitation... of commercial properties... direct financial assistance to businesses... These activities help the City retain and attract businesses and also help create jobs for city residents... The City will work on the renovation and/or redevelopment of vacant and/or traditional commercial and industrial buildings... All of these may create living wage jobs, or retain such jobs." Hamline Midway Community Plan: p51-57; Economic Opportunity & Business Development—Create a safe and attractive environment where people can live, work and shop; Work with property owners and store owners to improve upkeep and maintenance of commercial property; p54; Foster business development—leveraging and new... The North End South Comp District Plan: p14-15; Summary Data Key Goal: strengthen and revitalize commercial and industrial areas District 6 Plan: p44-45; Encourage restoration of old buildings; Encourage property owners to Rice Street Small Area Plan and Forty-Acre Study: p13; (retain) and assist existing businesses; The Thomas-Dale (District 7) Plan: Area Plan Summary names as a Key goal: "A mix of business |
| 11-118 | 2,4,5 | 5,6,11 | 2011 Lead Window Replacement Program—An estimated 30 low income homeowners with children under the age of 6 will receive grant assistance to replace windows containing lead paint. | PROGRAM | Sparc | 25,000 | | | 152,500 | Specifically addresses goals. | Housing Plan 2.3, 2.4, 2.14, 3.1 Hamline Midway Community Plan's vision for housing: North End/South Como's action item/objective to reduce health hazards; and East Consolidated Small Area Plan's strategy to collaborate with existing agencies to by provide health and human resources to area families in need. |

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| 11-119 | 1 | 7 | Greater Frogtown Rental Rehab Program-A program offering up to a \$10,000 grant per property will be made available to a minimum of 8 landlords with 50% of their tenants below 80% of median income | PROGRAM | Greater Frogtown CDC | 120,000 | | 130,000 | Specifically addresses goals. | Housing Plan 2.3, 2.4, 2.14, 3.1, District 7 Area Plan's support for physical and operational improvements to rental properties within the community. Summit University Plan's recommendation to preserve the existing housing stock with special commitment to the preservation of affordable housing. |
| 11-120 | 1,2 | 8,9 | ASI's St. Paul 2011 Capital Improvements Project--Upgrades to three affordable, handicap accessible apartment buildings to include new windows, doors, accessible ramps, laundry room roof, siding and kitchen and bathroom remodeling. | 814 Igeland Syc. 824 Selby Ave., 134-154 Western Ave. | Accessible Space Inc. | 92,777 | | 92,777 | Specifically addresses goals. | Housing Plan 2.1, 2.3, 2.4, 2.18, 3.1, 3.4, 3.6 Summit University Plan's recommendation to preserve the existing housing stock with special commitment to the preservation of affordable housing. District 9 Area Plan's recommendation to reinstate low interest loans and/or grants for rehabilitation... and other finance programs designed to rehabilitate older homes. |
| 11-121 | 4 | 11 | Midway Residence--New construction of a two-story building with retail on the main floor and four 1,500 s.f. apartment on the second floor. | 1563 W. University Ave. | Midway Residence | 500,000 | 500,000 | 1,200,000 | Generally supports the goals. | Supporting Comp Plan Policy/Citations: Land Use Chapter Policies 12.24, 13.48, 13.52, 21.14, Housing Chapter Policies 1.1, 1.2, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23, 2.24, 2.25, 2.26, 2.27, 2.28, 2.29, 2.30, 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, 2.52, 2.53, 2.54, 2.55, 2.56, 2.57, 2.58, 2.59, 2.60, 2.61, 2.62, 2.63, 2.64, 2.65, 2.66, 2.67, 2.68, 2.69, 2.70, 2.71, 2.72, 2.73, 2.74, 2.75, 2.76, 2.77, 2.78, 2.79, 2.80, 2.81, 2.82, 2.83, 2.84, 2.85, 2.86, 2.87, 2.88, 2.89, 2.90, 2.91, 2.92, 2.93, 2.94, 2.95, 2.96, 2.97, 2.98, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, 3.27, 3.28, 3.29, 3.30, 3.31, 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